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We concur: Scotland, P.J.
Sims, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

April 19, 2004, continued

- C042332 THE PEOPLE v. ANDERSON (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed.
NICHOLSON, J.
We concur: Scotland, P.J.
Robie, J.
- C042357 THE PEOPLE v. ABBASZADEH (Not for Publication)**
The judgment is reversed. The matter is remanded to the trial court with directions to allow defendant to withdraw his pleas of no contest.
NICHOLSON, J.
We concur: Scotland, P.J.
Robie, J.
- C042630 THE PEOPLE v. TORRES (Not for Publication)**
The judgment (order of probation) is modified... As modified, the judgment is affirmed. The trial court is directed to modify the minute order and order of probation.
NICHOLSON, J.
We concur: Scotland, P.J.
Robie, J.
- C042992 THE PEOPLE v. BRYANT (Not for Publication)**
The judgment is affirmed.
DAVIS, Acting P.J.
We concur: Raye, J.
Butz, J.
- C043093 THE PEOPLE v. BROWN (Not for Publication)**
The judgment is affirmed.
DAVIS, Acting P.J.
We concur: Raye, J.
Butz, J.
- C043555 THE PEOPLE v. PITCHFORD (Not for Publication)**
Defendant's conviction for violating section 137(c) is reversed. In all other respects the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and forward it to the Department of Corrections.
DAVIS, Acting P.J.
We concur: Hull, J.
Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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The Minutes

April 19, 2004, continued

C043096 LONDON v. DRI-HONING CORPORATION et al.

(Certified for Publication)

The order granting London's motion for sanctions is affirmed. **(Certified for Publication.)**

Davis, J.

We concur: Blease, Acting P.J.

Robie, J.

C040780 THE PEOPLE v. LEMOS

BY THE COURT:

Appellant's petition for rehearing is denied.

SIMS, Acting P.J.

April 20, 2004

MISC. ORDER 2004-003

By The Court:

Associate Justice Rick Sims is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77 and 78, during the absence of Presiding Justice from the court on April 23, 2003, or until his return. (See Cal. Const. Art 6, Sec. 3.) The senior member of a panel of the court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Nicholson, Associate Justice; Raye, Associate Justice; Robie, Associate Justice; and Rios, bailiff.

C044181 GEBREMICAEL v. COMMISSION ON TEACHER CREDENTIALING

Cause called. Michael Rothschild argued for appellant. Julie Weng-Gutierrez, Deputy Attorney General, argued for respondents. Cause submitted.

At 10:01 a.m., the court recessed. At 10:05 a.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Robie, Associate Justice.

C044495 THE PEOPLE v. DELONG

Cause called. Gail Harper, court appointed counsel, argued for appellant. Maggy Krell, Deputy Attorney General, argued for respondent. Cause submitted.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

April 20, 2004, continued

At 10:26 a.m., the court recessed. At 2:02 p.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Morrison, Associate Justice.

C044353 NOUI v. ROSS STORES, INC.

Cause called. Jethro S. Busch argued and Jean-Yves Lendormy appeared only for appellant. Bryan L. Malone argued for respondent. Cause submitted.

At 2:27 p.m., the court recessed until 9:30 a.m., Wednesday, April 24, 2004.

C042106 THE PEOPLE v. McNEAL (Not for Publication)

The judgment is modified ... As modified, the judgment is affirmed.

ROBIE, J.

We concur: Scotland, P.J.

Raye, J.

C043225 THE PEOPLE v. ARMBRUSTER (Not for Publication)

The judgment is affirmed.

NICHOLSON, J.

We concur: Scotland, P.J.

Robie, J.

C043250 THE PEOPLE v. JACKSON (Not for Publication)

The judgment is affirmed.

Raye, J.

We concur: Nicholson, Acting P.J.

Hull, J.

C043842 THE PEOPLE v. GOMEZ (Not for Publication)

The judgment is affirmed.

ROBIE, J.

We concur: Scotland, P.J.

Raye, J.

C044152 THE PEOPLE v. TUCKER (Not for Publication)

The judgment (order denying defendant's motion to vacate judgment) is affirmed.

BUTZ, J.

We concur: Davis, Acting P.J.

Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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The Minutes

April 20, 2004, continued

- C044173 THE PEOPLE v. CEJA (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We concur: Scotland, P.J.
Raye, J.
- C044941 THE PEOPLE v. CAIN (Not for Publication)**
The order denying the motion to vacate the judgment and for a new trial is affirmed.
BUTZ, J.
We concur: Blease, Acting P.J.
Morrison, J.
- C045203 THE PEOPLE v. FOSTER (Not for Publication)**
The trial court's minutes shall be corrected to reflect that the defendant was deemed unsuitable for probation pursuant to Penal Code section 1210.1 (Proposition 36). As modified, the judgment is affirmed.
BUTZ, J.
We concur: Blease, Acting P.J.
Morrison, J.
- C042236 DODGE et al. v. YOUSSEFI et al. (Not for Publication)**
The judgment is affirmed. Plaintiffs shall bear costs on appeal. Ellen C. Dove, counsel for plaintiffs, is ordered to pay sanctions of \$1,000 to defendants and to pay sanctions of \$1,000 to the clerk of this court. These sanctions are to be paid by Dove individually, without contribution or reimbursement by Dodge or Restoration of Hope. The sanctions are payable within 30 days of the filing of the remittitur. Dove shall provide this court with an affidavit stating that she has not and will not bill her client for any portion of the sanctions. Dove is also ordered to report the sanctions to the State Bar. (Bus. & Prof. Code, § 6068, subd. (o) (3).) The clerk of this court is directed to forward a copy of this opinion to the State Bar. (Bus. & Prof. Code, § 6086.7, subd. (c).)
MORRISON, J.
We concur: Raye, Acting P.J.
Hull, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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The Minutes

April 20, 2004, continued

C042554 LYNCH v. YOUNG AMERICA CORPORATION
(Not for Publication)

The judgment is reversed.

MORRISON, J.

We concur: Scotland, P.J.

Davis, J.

April 21, 2004

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Blease, Associate Justice; Raye, Associate Justice; and Facey, bailiff.

**C043329 CONNERLY v. STATE PERSONNEL BOARD et al. and CALIFORNIA
BUSINESS COUNCIL etc., et al.**

Cause called. Jeffrey L. Bleich argued and John C. Day appeared only for RPIs-appellant-X-respondents California Business Council etc., et al. Deborah H. LaFetra argued and Anthony T. Caso and Virginia A. Riegel appeared only for plaintiff-respondent-X-appellant Pacific Legal Foundation. Ralph Black appeared only for defendants-x-respondents State Personnel Board et al. Cause submitted.

At 10:08 a.m., the court recessed. At 10:15 a.m., the court reconvened with Scotland, Presiding Justice; Raye, Associate Justice; and Hull, Associate Justice.

C042624 HANNES v. PECHNER

Cause called. Betsy S. Kimball argued for appellant. Richard Adam Marcus argued for respondent. Cause submitted.

At 10:55 a.m., the court recessed. At 2:06 p.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Robie, Associate Justice.

C043681 TIPALDI v. CARPINI

Cause called. James J. Johnson argued for appellant. Michael Satris argued for respondent. Cause submitted.

At 2:33 p.m., the court recessed until 9:30 a.m., Thursday, April 22, 2004.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

April 21, 2004, continued

- C041422 THE PEOPLE v. WILSON (Not for Publication)**
trial The judgment is modified... As modified, the judgment is affirmed. The court is directed to amend the abstract of judgment to reflect the modification, and to forward a copy of the amended abstract to the Department of Corrections.
 SCOTLAND, P.J.
We concur: Sims, J.
 Raye, J.
- C043137 THE PEOPLE v. POWELL (Not for Publication)**
 Defendant's conviction for attempted sexual penetration with a foreign object (new count 1) is reversed, and the sentence imposed and stayed on that count is vacated. In all other respects, the judgment is affirmed. The trial court is directed to prepare a new abstract of judgment and to forward a certified copy thereof to the Department of Corrections.
 SCOTLAND, P.J.
We concur: Raye, J.
 Robie, J.
- C044532 THE PEOPLE v. KEYES (Not for Publication)**
 The judgment is affirmed.
 RAYE, J.
We concur: Scotland, P.J.
 Robie, J.
- C043872 CORDUA IRRIGATION DISTRICT v. HALLWOOD IRRIGATION COMPANY**
 The judgment is reversed and the matter is remanded for a limited trial on the reasonable price of modifying the fish screen and installing the bypass pipe. This reasonable price shall serve as the contract price based upon which damages will be awarded to Cordua. Cordua shall recover costs on appeal.
 MORRISON, J.
We concur: Davis, Acting P.J.
 Hull, J.
- C045851 DEPARTMENT OF THE YOUTH AUTHORITY et al. v. THE SUPERIOR COURT OF SAN JOAQUIN COUNTY and ABRAHAM**
 (Not for Publication)
 Let a peremptory writ of mandate issue ... Further proceedings in the trial court are stayed pending the finality of this decision.
 SCOTLAND, P.J.
We concur: Sims, J.
 Morrison, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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The Minutes

April 21, 2004, continued

**C042493
C043377**

**SACRAMENTO POLICE OFFICERS ASSOCIATION v. CITY OF
SACRAMENTO et al.**

BY THE COURT:

Defendants and Appellants' request to publish the opinion filed on March 30, 2004, is denied.

SCOTLAND, P.J.

C043812

**COUNTY OF SAN JOAQUIN et al. v. WORKERS' COMPENSATION
APPEALS BOARD et al. (Certified for Publication)**

THE COURT:

The opinion in the above-entitled matter filed on March 22, 2004, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.

FOR THE COURT:

SIMS, Acting P.J.

MORRISON, J.

HULL, J.

April 22, 2004

C041142

THE PEOPLE v. PEN et al. (Not for Publication)

The concurrent sentences imposed on count one for both defendants are stayed pursuant to Penal Code section 654, and the trial court is directed to forward an amended abstract of judgment to the Department of Corrections. In all other respects, the judgments are affirmed.

HULL, J.

We concur: Morrison, Acting P.J.

Robie, J.

C041607

THE PEOPLE v. CHRISTIAN (Not for Publication)

The judgment is affirmed.

NICHOLSON, J.

We concur: Scotland, P.J.

Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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The Minutes

April 22, 2004, continued

- C044069 THE PEOPLE v. BROGAN, SR. (Not for Publication)**
The judgment is modified... As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment to reflect 94 days of presentence conduct credit and to delete one \$200 restitution fine. (§ 1202.4, subd. (b)) and one \$200 suspended restitution fine (§ 1202.45) and to forward a certified copy to the Department of Corrections.
HULL, J.
We concur: Nicholson, Acting P.J.
Raye, J.
- C042587 BUSICO v. BUSICO (Not for Publication)**
The judgment is reversed as to the distribution of the residence and the encumbrance on it. The matter is remanded for further proceedings consistent with the views expressed in this opinion. John shall recover his costs on appeal.
MORRISON, J.
We concur: Davis, Acting P.J.
Hull, J.
- C043165 In re D.C. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. DAVID C. (Not for Publication)**
The appeal is dismissed.
DAVIS, Acting P.J.
We concur: Morrison, J.
Butz, J.
- C042209 AMEX CONSTRUCTION, INC. v. HART et al.**
BY THE COURT:
Appellants' petition for rehearing is denied.
SIMS, Acting P.J.
- C043748 In re CHARLES C.; DEPARTMENT OF HEALTH AND HUMAN SERVICES v. MARGIE W. et al. and CHARLES C.**
BY THE COURT:
Appellant's request to publish the opinion filed on March 23, 2004, is denied.
RAYE, Acting P.J.

April 23, 2004

At 9:34 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Davis, Associate Justice; Nicholson, Associate Justice; Hull, Associate Justice; and Rios, bailiff.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

April 23, 2004, continued

C034461 THE PEOPLE v. DANIEL (Not for Publication)

THE COURT:

The opinion in this matter, filed April 13, 2004, is modified...

...These modifications do not change the judgment.

SIMS, Acting P.J.

DAVIS, J.

ROBIE, J.